IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1149 (SS) of 2006

Smt. Sujata,
W/o Sri Vinay Singh,
R/o 4, Doon Enclave,
Simla Road,
Dehradun ……...**Petitioner.**

Versus

1. State of Uttarakhand through Secretary Intermediate Education, Dehradun.
2. Uttaranchal Public Service Commission, Hardwar through its Secretary.

…….Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Lok Pal Singh, learned counsel for the petitioner, Sri N.P. Shah, learned standing counsel for State of Uttarakhand on behalf of respondent no. 1 and Sri B.D. Kandpal, learned counsel for respondent no. 2.

By means of this writ petition, the petitioners have prayed for the following reliefs:

1. *Issue a writ order or direction in the nature of Mandamus commanding the respondents to give an appointment o the post of Lecturer Geography in pursuance of the result dated 23.07.2005 contained Annexure no.5 to the writ petition.*
2. *issue any other relief, which this Hon'ble court may deem fit and proper in the circumstances of the case.*
3. *cost of the petition be awarded in favour of the petitioner.*

In pursuance to the advertisement dated 30.10.2003 applications were invited for the posts of Lecturer in Intermediate Colleges by Public Service Commission.

Petitioner being fully qualified and eligible applied for the said post. Petitioner has been selected being OBC candidate, after qualifying written test and interview for the post of Lecturer (Geography).

Petitioner was permanent resident of Saharanpur, Uttar Pradesh and belongs to Gujar caste, which comes under OBC category in the State of U.P. Petitioner got married with one Sri Vinay Singh, who is permanent resident of Village – Dhadheki, Tehsil – Laksar, District Hardwar and also belongs to Gujar caste, which also comes under OBC Category in State of Uttarakhand.

By giving benefit under U.P. Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes), Act, 1994 petitioner was selected provisionally by respondent no.2 and respondent no.2 recommended the name of the petitioner including others for appointment as Lecturer in the Intermediate College of State of Uttarakhand. Others persons, who had been selected with the petitioners have been given appointment, however, the Government has still not issued appointment letter to the petitioner.

Learned counsel for the petitioner has submitted that it appears that Government has not issued appointment letter to the petitioner in view of the fact that petitioner has obtained two caste certificates one from Saharanpur Authorities and another from Tehsildar – Laksar, District – Hardwar.

Learned counsel for the petitioner has submitted that petitioner belongs to Gujar Caste which comes in OBC category

in the both the States i.e. in the State of Uttarakhand and State of U.P. and petitioner has married with a person who belong to Gujar Caste in District – Hardwar, even then petitioner is not being issued appointment letter.

Petitioner has already made undated representation before secretary Education, Dehradun, which is annexed as Annexure no. 6 to the writ petition.

Petitioner is directed to make fresh representation before respondent no. 1 i.e. Secretary Education, State of Uttarakhand raising all her grievances within a period of two weeks from today and the Secretary Education, State of Uttarakhand is directed to take decision within a period of three weeks from the date of production of certified copy of this order along with representation. If respondent no. 1 finds that petitioner is entitled for appointment, he will issue necessary appointment letter forthwith.

With this direction, writ petition as well as interim relief application no. 10764 of 2006 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

March 15, 2007
Sksharma